

REMARKS

Claims 4-8 and 11 are pending in this application. The Office Action rejects claims 1, 4-8 and 10-11 under 35 U.S.C. §103(a). By this Amendment, claims 4-8 and 11 are amended; and claims 1 and 10 are cancelled. Support for the amendments to claims 4-8 and 11 may be found in original claims 1 and 11. No new matter is added.

I. Rejection under 35 U.S.C. §103(a)

Claims 1, 4-8 and 10-11 are rejected under 35 U.S.C. §103(a) as having been obvious over Kang (U.S. Patent No. 6,468,718) in view of Mizutani (U.S. Patent Application Publication No. 2003/0198894) or Bonk (U.S. Patent No. 4,731,273 or U.S. Patent No. 4,751,269). Applicants respectfully traverse the rejection.

Applicants respectfully submit that the applied references do not teach or suggest all the features of amended independent claim 11. Specifically, the applied references at least fail to teach or suggest *an anti-reflective layer* having the recited composition. Instead, Kang merely teaches an anti-reflective layer having a very different composition, as is admitted by the Office Action on page 2. Furthermore, Mizutani merely teaches *a resist composition*, while Bonk merely teaches *adhesive resins*; neither of these references relate to anti-reflective coating layers.

The Office Action states that "the recitation that the coating is an 'anti-reflective' coating [] is an intended use limitation." The Advisory Action mailed November 28, 2008, also stated that "the instant claim 1 is a composition claim not a method claim, therefore the intended use limitation will not be entered as it does not change the scope of the claim."

However, Applicants respectfully note that independent claim 11 *is a method claim*, and so the recitation regarding the layer as an anti-reflective layer is a positively recited feature of the presently claimed invention. Specifically, independent method claim 11 recites coating an anti-reflective coating forming composition on a substrate and baking it to form an

anti-reflective coating, and *also* forming a photoresist on top of the anti-reflective coating. The resist layer is therefore a distinct and separate component of the semiconductor device manufactured by the presently claimed method. Therefore the presently claimed method would not have been obvious over the applied references, because none of the applied references teach or suggest an anti-reflective layer having the recited composition.

Accordingly, independent claim 11 would not have been obvious over the applied references for at least the reasons discussed above. Dependent claims 4-8 are amended to ultimately depend from claim 11, and so would not have been obvious for at least the reason that independent claim 11 would not have been obvious. Claims 1 and 10 are cancelled.


Reconsideration and withdrawal of the rejection are respectfully requested.

II. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,


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JAO:STD/emd

Enclosures:

Petition for Extension of Time
Request for Continued Examination

Date: December 9, 2008

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